



SC Suspended EC For Airport In Goa

- The Supreme Court (SC) **has suspended the Environmental Clearance (EC)** granted for the development of **Greenfield International Airport at Mopa in Goa.**

Reasons Cited

- **Procedural Flaws in the grant of EC**
 - People living in the proposed project-area being not consulted properly.
 - Non- disclosure of vital information in the application form for clearance and in Environment Impact Assessment (EIA) Report as well.
 - Expert Appraisal Committee (EAC) did not analyze the EIA report properly before approving the EC.
- [National Green Tribunal \(NGT\)](#) **did not carry out the merit review** of appeal made against the EC given to the Mopa Airport.

Highlights from the Judgement

- A **phrase ‘Environmental Rule of Law’ was coined by SC.** The court said that every branch of governance and institutions across the country should strive to enforce environmental rule of law.
- **Proper structures for environmental decision making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 (Right to Equality) of the Constitution.**
- In cases concerning environmental governance, it is the duty of courts to assess the case on its merits based on the materials present before it.
- Matters concerning environmental governance concern not just the living, but generations to come.
- The health of the environment is key to preserving the Right to Life as a constitutionally recognized value under **Article 21 (Protection of Life and Personal Liberty)** of the Constitution.

Environmental Rule of Law

- The environmental rule of law is based on four pillars of sustainable development— **economic, social, environmental and peace.**
- It imbues environmental objectives with the essentials of the rule of law and underpins the reform of environmental law and governance.
- While the most direct effects are on the protection of the environment, it also strengthens rule of law more broadly, supports sustainable, economic and social development, protects public health, contributes to peace and security by avoiding and defusing conflict and protects human and constitutional rights.

Environment Clearance (EC) Process

- **An EIA report is prepared to get Environment Clearance (EC) for a project.**
- A process of ‘Public Hearing’ is conducted before the issue of ‘Consent to Establish (NOC)’ by state regulators. Concerns of people living in the proposed project area are heard.
- An application form with EIA report, details of public hearing and NOC is submitted for

environmental clearance with the Ministry of Environment and Forests (MoEF) if the project falls under Project A category or the state government if the project falls under Project B category.

- The documents submitted are then analyzed by an Expert Appraisal Committee (EAC) under the Ministry. The recommendations of the Committee gets processed in the Ministry of Environment and Forests for final approval or rejection.

Environment Impact Assessment (EIA)

- It can be defined as the **study for predicting the effect of a proposed activity/project on the environment.**
- It is **statutory under the Environment Protection Act, 1986** for some projects.
- Process
 - **Screening** based upon scales of investment, type of development and location of development; is done to see whether a project requires an environmental clearance as per the statutory notifications.
 - **Scoping** is a process of detailing the Terms of Reference (ToR) of EIA, that is the main issues or problems in the development of a project.
 - **Impact Prediction** involves mapping the environmental consequences of the significant aspects of the project and its alternatives.
- **Public mandatorily needs to be informed and consulted on the proposed development after the completion of EIA report.**

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